

1                               BEFORE THE ARIZONA BOARD OF OSTEOPATHIC  
2                               EXAMINERS IN MEDICINE AND SURGERY

3   In the matter of                               )  
4                               MARC JAFFE, D.O.                               )  
5                               Holder of License Number 2406                               )  
6                               For the Practice of Osteopathic                               )  
7                               Medicine and Surgery In the State                               )  
                             of Arizona                               )  
                             \_\_\_\_\_ )

                             NO. \_\_\_\_\_  
                             CONSENT TO ENTRY  
                             OF ORDER

8                               A complaint charging Marc Jaffe, D.O., holder of  
9                               license number 1569 for the practice of Medicine and Surgery in  
10                              the State of Arizona has been received by the Arizona Board of  
11                              Osteopathic Examiners in Medicine and Surgery. The complaint  
12                              alleges Marc Jaffe was engaged in unprofessional conduct  
13                              proscribed by A.R.S. 13-1854(17), immorality or misconduct that  
14                              tends to discredit the profession.

15                             In lieu of formal hearing and as a final disposition of  
16                             this matter, Marc Jaffe, D.O.:

17                             1. Admits the truth and accuracy of the attached  
18                             Findings of Facts and Conclusions of Law;

19                             2. Consents to the entry of the attached Order and  
20                             agrees to abide by its terms;

21                             3. Acknowledges that certain investigative material  
22                             prepared and received by the Board concerning the violations and  
23                             all related exhibits, notices and pleadings may be retained.  
24                             The material so retained is the Board's file and record of this  
25                             entire matter;  
26

1           4. Waives all rights to a hearing, re-hearing,  
2 appeal, or judicial review relating to the Findings of Fact and  
3 Conclusions of Law and Order;

4           5. Agrees that the attached Findings of Fact and  
5 Conclusions of Law and Order shall be conclusive evidence of a  
6 violation of A.R.S. § 32-1854(15), 32-1854(17), 32-1854(19) and  
7 32-1854(38), and may be used for any lawful purposes, relating  
8 to licensure, re-licensure, and/or the determination of any  
9 sanctions in any future disciplinary matters before the Arizona  
10 Board of Osteopathic Examiners in Medicine and Surgery.

11           6. Understands counsel may be consulted prior to  
12 entering into this Consent to Entry of Order and represents that  
13 such consultation has been obtained;

14           7. Understands this Consent to Entry of Order and the  
15 terms and provision hereof, and the effect of said terms and  
16 provisions, and consents and agrees to be bound hereby,  
17 specifically including by way illustration but not limitation,  
18 the terms and conditions of the Order contained herein;

19           8. Agrees that this Consent to Entry of Order will be  
20 effective upon its acceptance by the Board;

21           9. Agrees that the word "Respondent" as it appears in  
22 this Consent of Entry of Order refers to Marc Jaffe, D.O.,  
23 holder of license number 2406 for practice of osteopathic  
24 medicine and surgery in the State of Arizona.  
25  
26

1 DATED this 9th day of May, 1990.

2  
3 Dwayne Olson  
4 Dwayne Olson  
5 Counsel for Respondent

6 Marc Jaffe, D.O.  
7 Marc Jaffe, D.O.

8 Pursuant to the foregoing Consent to Entry of Order and  
9 the records and files and admissions in this matter, and good  
10 cause appearing, the Arizona Board of Osteopathic Examiners in  
11 Medicine and Surgery enters the following Findings of Fact,  
12 Conclusions of Law and Order:

13 FINDINGS OF FACTS

14 1. During a period from 1979 to 1983 while in the  
15 State of Pennsylvania, Marc Jaffe entered into relationships  
16 with lawyers Jeffrey Silow and Richard Elliot Toll, during which  
17 Jaffe provided fraudulent medical bills to these lawyers which  
18 they in turn used to prepare fraudulent personal injury claims.  
19 Jaffe also supplied Silow and Toll medical bills that were  
20 fraudulently inflated in order to meet minimum filing and cut  
21 off limits. Jaffe subsequently cooperated with the federal  
22 government in its investigation of these criminal activities in  
23 exchange for an immunity agreement that any information Jaffe  
24 provided not be used against him directly or indirectly in any  
25 criminal case. Silow and Toll were prosecuted and are presently  
26 serving federal sentences of imprisonment.

2. Jaffe falsely claimed that he was not aware that  
his billing practice as described in paragraph 1 of the findings

1 of fact herein was fraudulent in a letter directed to Maricopa  
2 County Medical Center on August 18, 1988.

3 3. The conduct alleged in paragraphs 1 through 2 of  
4 the Findings of Fact constitute unprofessional conduct, in  
5 violation of A.R.S. §§ 32-1854(15), knowingly making any false  
6 or fraudulent statement, written or oral, in connection with the  
7 practice of medicine, 13-1854(17), immorality or misconduct that  
8 tends to discredit the profession, 13-1854(19), any conduct or  
9 practice contrary to recognized standards of ethics of the  
10 Osteopathic medical profession and 13-1854(38), violating a  
11 federal law, a state law or a rule applicable to the practice of  
12 medicine.

#### 13 CONCLUSIONS OF LAW

14 1. Marc Jaffe, D.O. is the holder of license number  
15 2406 for the practice of Medicine and Surgery in the State of  
16 Arizona, issued by the Arizona Board of Osteopathic Examiners in  
17 Medicine and Surgery.

18 2. The Arizona Board of Osteopathic Examiners in  
19 Medicine and Surgery is the duly constituted authority for the  
20 regulation and control of the practice of Osteopathic Medicine  
21 and Surgery in the State of Arizona.

22 3. The Arizona Board of Osteopathic Examiners in  
23 Medicine and Surgery has the authority to notice and conduct  
24 hearings and discipline its licensees, A.R.S. § 32-1855, A.R.S.  
25 § 32-1801, et seq. and A.R.S. § 41-1061 et seq.  
26

1           4.    The conduct alleged in paragraphs 1 through 2 of  
2 the Findings of Fact represent violations of A.R.S.  
3 §§ 32-1854(15), knowingly making any false or fraudulent  
4 statement, written or oral, in connection with the practice of  
5 medicine, 13-1854(17), immorality or misconduct that tends to  
6 discredit the profession, 13-1854(19), any conduct or practice  
7 contrary to recognized standards of ethics of the Osteopathic  
8 medical profession and 13-1854(38), violating a federal law, a  
9 state law or a rule applicable to the practice of medicine.

10                               ORDER

11           THEREFORE IT IS HEREBY ORDERED, that license number  
12 2406 issued to Dr. Marc Jaffe, D.O. be revoked. The effective  
13 day of revocation shall be the date upon which this Consent  
14 Order is accepted by the Arizona Board of Osteopathic Examiners  
15 in Medicine and Surgery.

16           IT IS FURTHER ORDERED, that Respondent shall pay an  
17 Administrative penalty to the Board of Osteopathic Examiners in  
18 the instant case in the amount of \$500.00 (FIVE HUNDRED DOLLARS)  
19 per count as set forth in the Statement of Facts, for a total of  
20 \$1,000.00 (ONE THOUSAND DOLLARS). Payment of the Administrative  
21 Penalty is due in full no later than 30 days after the date  
22 which this Consent and Order is accepted by the Arizona Board of  
23 Osteopathic Examiners in Medicine and Surgery.

24           ENTERED this 14<sup>th</sup> day of June, 1990.

25                               ARIZONA STATE BOARD OF OSTEOPATHIC  
26                               MEDICINE AND SURGERY

By: Mary L. Jacobs

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